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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/626,178	07/24/2003	Horst Surburg	3968.088

Stephan A. Pendorf  
 PENDORF & CUTLIFF  
 5111 Memorial Highway  
 Tampa, FL 33634-7356



CONFIRMATION NO. 3190

## FORMALITIES LETTER



\*OC000000012764108\*

Date Mailed: 05/25/2004

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification is missing.  
*A complete specification as prescribed by 35 U.S.C. 112 is required.*

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

*R. Wagner*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



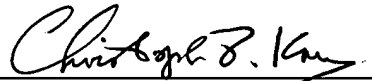
U.S. Application No.: 10/626,178  
PETITION UNDER 37 CFR 1.53(e) (2)

Attorney Docket: 3968.088

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that a copy of the foregoing PETITION UNDER 37 CFR 1.53(e)(2) for U.S. Application No. 10/626,178 filed July 24, 2003, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450. Alexandria, VA 22313-1450, on this 26<sup>th</sup> day of July, 2004.

The Commissioner is hereby authorized to charge any additional fees that may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

  
\_\_\_\_\_  
Christopher J. Kay



17858 U.S. PTO

10/626178



07/24/03

Atty Docket No.: 3968.088 Serial No.: \_\_\_\_\_ Filing Date: \_\_\_\_\_Applicant: Horst Surburg et al.Title/Mark: Rhinologically Active Substances

THE MAIL ROOM STAMP BELOW ACKNOWLEDGES RECEIPT OF THE FOLLOWING DOCUMENTS ON THE DATE INDICATED ON THE MAIL ROOM STAMP.

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Appl'n for <u>Patent</u> PCT with: <u>Div 1.53(d)</u> | <input type="checkbox"/> Appl'n for TM/SM with Drawing and _____                        |
| _____ pg of specification   | _____ specimens of the mark   |
| _____ pg of Claims  | <input type="checkbox"/> Appl'n for Copyright Registration and _____                    |
| _____ pg of Drawings Informal/Formal  | _____ deposits.   |
| _____ pg of Abstract  | <input type="checkbox"/> Request for _____ month Extension of Time                      |
| <input checked="" type="checkbox"/> Power of Attorney                                     | <input type="checkbox"/> Base Issue Fee Forms   |
| <input checked="" type="checkbox"/> Inventor's Declaration <u>&gt; Copy</u>               | <input type="checkbox"/> Status Inquiry   |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/> <u>Copy of Patent Application (published)</u>       |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/> <u>Change of Address form</u>                       |
| <input type="checkbox"/>  | <input type="checkbox"/>  |
| <input type="checkbox"/> Information Disclosure Statement                                 | <input checked="" type="checkbox"/> Certificate of Mailing Date of <u>July 24, 2003</u> |
| <input checked="" type="checkbox"/> Amendment <u>Preliminary</u>                          | Express Mail No.: <u>EV 330254948 US</u>  |
| <input type="checkbox"/> Assignment   | Check No.: <u>9110</u> \$ <u>750.00</u>   |
| <input type="checkbox"/> Letter to Draftsman  |   |
| _____ pg of Informal Drawings   |   |
| _____ pg of Formal Drawings   |   |

APPLICATION NO. 10/626,178  
Re: Petition Under 37 CFR 1.53(e)(2)



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Horst SURBURG et al.

Application No.: 10/626,178

Filed: July 24, 2003

Conf. No.: 3190

For: RHINOLOGICALLY ACTIVE SUBSTANCES

Attorney Docket No.: 3968.088

Customer No.: 000041288

**RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**  
**FILED UNDER 37 CFR 1.53(b)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Incomplete Non-Provisional Application Filed Under 37 CFR 1.53(b) dated May 25, 2004, a copy of which is attached hereto, setting a two (2) month period for response expiring on July 26, 2004 (July 25, 2004, falling on a Sunday), Applicants assert that a complete specification as prescribed by 35 U.S.C. § 112 was submitted on July 24, 2003, and that Applicants are therefore entitled to the filing date of July 24, 2003. In support, Applicants submit:

1. A Petition Under 37 C.F.R. § 1.53(e)(2), directed to the Office of Petitions, and including a copy of a filing postcard, which acknowledges receipt of a copy of the specification by the USPTO;

U.S. Application No.: 10/626,178

**RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

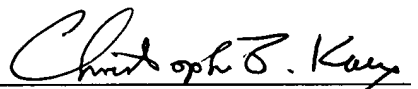
Attorney Docket: 3968.088

2. The required fee of \$130.00 under 37 C.F.R. § 1.17(h), in the form of an authorization to charge deposit account 16-0877, as set forth in the Petition; and
3. A courtesy copy of the previously filed specification in current USPTO format.

Acknowledgment of receipt of the above documents, and granting of the filing date of July 24, 2003, are respectfully requested.

Respectfully submitted,

**PENDORF & CUTLIFF**  
5111 Memorial Highway  
Tampa, Florida 33634-7356  
(813) 886-6085

  
\_\_\_\_\_  
Christopher J. Kay  
Registration No. 44,820

Date: July 26, 2004